

E-FILED on 06/25/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

METTEYYA BRAHMANA,

Plaintiff,

v.

PHILLIP CHARLES LEMBO; CYBERDATA
CORPORATION; NUMONIX, INC.; AND
CONQUEST TECHNOLOGY LIMITED,

Defendants.

No. C-09-00106 RMW

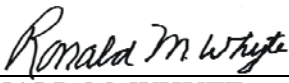
ORDER TO SHOW CAUSE WHY
CONQUEST TECHNOLOGY LIMITED
SHOULD NOT BE DISMISSED AS
DEFENDANT

On June 10, 2009, plaintiff Metteyya Brahmana filed an ex parte request for the court to order the U.S. Marshalls to serve defendant Conquest Technology Limited ("Conquest") with a summons and Second Amended Complaint ("SAC"). According to the allegations in the complaint, Conquest is a company "owned and controlled" by defendant Phillip Charles Lembo, and used for an improper business purpose. SAC ¶¶ 8, 20. However, the SAC is not clear as to the basis of Conquest's liability to plaintiff.

Therefore, the court orders plaintiff to show cause in writing, not to exceed ten pages, by July 6, 2009 why Conquest should not be dismissed from this action because the SAC fails to state a claim against it upon which relief can be granted. Conquest may respond, if it so chooses, by July

1 16, 2009. No hearing on this order to show cause shall be held unless the court later determines that
2 one is necessary. Although Conquest has not made a general appearance, its counsel is being served
3 with a copy of this order so that it may respond to plaintiff's response to this order to show cause.

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5
6 DATED: 06/25/09


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

Notice of this document has been sent to:

Plaintiff:

Metteyya Brahmana
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831-212-2731

Counsel for Defendants:

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Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.

Dated: 06/25/09

JAS
Chambers of Judge Whyte